



DAC #7
(S)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

F. Mouyen

Serial No. 10/049,597

Filed: February 14, 2002

For: METHOD FOR OBTAINING A
RADIOGRAPHIC IMAGE OF A
TOOTH AND ITS SURROUNDING
ENVIRONMENT, AND
DEVICES IMPLEMENTING SAID
METHOD

Group Art Unit: unknown

Examiner: unknown

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OFFICE OF PETITIONS

March 25, 2003

Attorney Docket No. 49316

Assistant Commissioner
for Patents
Washington, D.C. 20231

**NOTIFICATION AND PAYMENT OF ADDITIONAL
FEES PURSUANT TO 37 C.F.R. § 1.28**

Adjustment date: 04/10/2003 AKELLEY
04/01/2003 AWONDAF1 00000051 10049597
01 FC:1461 Dear Sir: -395.00 OP

Repln. Ref: 04/10/2003 AKELLEY 0013282300
DAH:110855 Name/Number:10049597
FC: 9204 \$395.00 CR

This paper is submitted in connection with the above-identified

application pursuant to 37 C.F.R. § 1.28(c).

Notification and Payment

A. Fee Payment Status

Commencing April 30, 1998 until recently ("the Term"), the assignee of the above-identified patent, Trophy Radiologie ("Trophy"), was a direct or indirect subsidiary of Thermo Electron Corporation ("Thermo Electron"). As such, Trophy believes it did not qualify as a "small entity" for fee-payment purposes in the U.S.

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Patent and Trademark Office during the Term. Trophy's continuation of status as a small entity during the Term thus likely was erroneous.

The likely error appears to have arisen through Trophy's lack of understanding of requirements of maintaining small-entity status following its acquisition by a larger company. Any possible error in connection with the above-identified patent thus occurred in good faith. The likelihood of error was ascertained by the undersigned during the fourth quarter of 2002 and first quarter of 2003 when he confirmed the date of Trophy's acquisition by Thermo Electron. Trophy hence is submitting this paper and tendering additional payment promptly after discovery of the error and requests that the Assistant Commissioner accept the tendered payment.

B. Itemization of Fee Deficiency

Trophy presently believes at least the filing fee for the application was underpaid. Trophy accordingly believes the amount presently due to be at least \$395.00, equalling the difference between \$750.00 (the current amount of the base filing fee) and \$355.00 (the amount currently assumed to have been paid), and a check for this amount is enclosed. If Trophy's calculation is erroneous or incomplete, the undersigned authorizes the Assistant Commissioner to debit deposit account No. 11-0855 for any further deficiency or other fee due because of the filing of this paper and to credit this account for any overpayment.

OF COUNSEL:

Kilpatrick Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309
(404) 815-6528

Respectfully submitted,



Dean W. Russell
Reg. No. 33,452
Attorney for the Assignee